

United States Department of State

Washington, D.C. 20520

I, Eric Terry, Vice Consul in Beijing, China certify that this is a true copy of the Embassy of the United States of America, diplomatic note 2023-1919 dated 5 January 2024, and delivered to the Ministry of the Foreign Affairs of the People's Republic of China on 5 January 2024.



5 January 2024


Eric Terry
Vice Consul

UNCLASSIFIED

No. 2023-1919

The Embassy of the United States of America refers to the Ministry of Foreign Affairs of the People's Republic of China to the lawsuit *State of Mississippi, ex rel. Lynn Fitch v. The People's Republic of China, et al.*, 1:20-cv-00168-LG-RHW, which is pending in the U.S. District Court for the Southern District of Mississippi Southern Division. The Chinese Academy of Sciences is a defendant in this case. The Embassy transmits a Summons and Complaint herewith. The U.S. District Court for the Southern District of Mississippi Southern Division has requested service of these documents on The Chinese Academy of Sciences as contemplated in Title 28, United States Code, Section 1608(a)(4). This note constitutes transmittal of these documents as requested by the U.S. District Court for the Southern District of Mississippi Southern Division.

Under applicable U.S. law a defendant in a lawsuit must file an answer to the Complaint or some other responsive pleading within 60 days of the date of transmittal of the Complaint, in this case the date of this note. Failing to do so, a defendant risks the possibility of having judgment entered against it without the opportunity to present arguments or evidence on its behalf. Therefore, the

Embassy requests that the enclosed Summonses and Complaint be forwarded to the appropriate authority of the People's Republic of China with a view towards taking whatever steps are necessary to avoid a default judgment.

In addition to the Summonses and Complaint the Embassy is enclosing a Notice of Suit prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States, and certain other court documents that the plaintiff has requested be transmitted.

Under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

Attachments:

1. Summons, Complaint, Notice of Suit
2. Translations



Embassy of the United States of America

Beijing, January 5, 2024



非正式译文 仅供参考

第 2023-1919 号

美利坚合众国大使馆向中华人民共和国外交部提交密西西比州诉讼案，Lynn Fitch 密西西比州诉中华人民共和国，1: 20-cv-00168-LG-RHW，此案正在密西西比州南区南区地方法院审理。中国科学院是本案的被告。大使馆随函转递传票和投诉书。美国密西西比州南区地方法院南部分院已要求送达这些文件。本说明根据《美国法典》第 28 篇第 1608 (a) (4) 条的规定向中国科学院传送这些文件。

根据美国相关法律，诉讼中的被告必须在起诉书转交之日起 60 天内（在本案中为本说明之日）提交对起诉书或其他回应性诉状的答复。如在本说明之日没有提交起诉书或者回应性诉状答复，被告将有可能在没有机会提出代表自己的论点或证据的情况下而得到不利于被告的判决。因此，大使馆将所附传票和起诉书转交中华人民共和国有关当局，以便采取一切必要措施避免缺席判决。

除传票和起诉书外，大使馆还附上原告准备的诉讼通知书，其中概述了案件的性质，并提及了美国关于对外国提起诉讼的法律，以及原告要求转交的其他法院文件。

根据美国法律，任何管辖权或其他辩护，包括主权豁免的主张，都必须向正在审理此事的法院提出，因此建议咨询美国的律师。美国国务院的

惯例是可与律师讨论美国法律的要求。 美国政府不是本案的当事方，也不能代表其他当事方处理此事。

附件： 1. 传票、起诉书、诉讼通知书
2. 翻译

美国驻华大使馆

2024 年 1 月 5 日于北京

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

THE STATE OF MISSISSIPPI,
ex rel. LYNN FITCH

Plaintiff,

Civil Action No. 1:20-cv-168-TBM-RPM

PEOPLE'S REPUBLIC OF CHINA,
et al.

Defendants.

ALIAS SUMMONS IN A CIVIL ACTION

To: Chinese Academy of Sciences
52 Sanlihe Road
Xicheng District, Beijing

A lawsuit has been filed against you.

Under 28 USC 1608(d), a foreign state, a political subdivision of a foreign state, or an agency or instrumentality of a foreign state must serve an answer or responsive pleading within 60 days after service. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

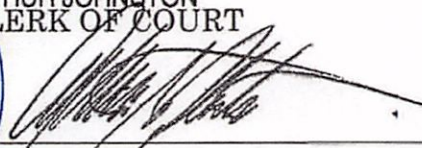
Crystal Utley Secoy
P.O. Box 220
Jackson, MS 39205
crystal.utley@ago.ms.gov

You must also file your answer or motion with the court.

Date: MAR 22 2023



CARTHUR JOHNSTON
CLERK OF COURT


Signature of Clerk or Deputy Clerk

美国密西西比南区联邦地区法院
南部分院

密西西比州
代表LYNN FITCH

原告，

民事诉讼案件编号：1:20-cv-l68-TBM-RPM

中华人民共和国
等人

被告。

民事诉讼第二次传票

被传唤人： 中国科学院
北京市西城区
三里河路 52 号

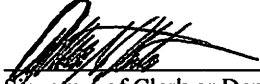
本院现收到控诉你方的起诉状并受理此案。

根据《美国法典》第 28 编第 1608 条第 (d) 款规定，外国国家、外国国家的政治分支机构、外国国家的代理机构或辅助机构须在本传票送达后的 60 天内对起诉状作出答辩或提供其他应答书状。该等答辩状或动议须送达原告或原告律师，其名称和地址如下：

Crystal Utley Secoy
地址：P.O.Box 220
Jackson, MS 39205
电子邮箱：crystal.utley@ago.ms.gov

此外，你方还须向本院呈交你方答辩状或动议。

ARTHUR JOHNSTON
法院书记员


Signature of Clerk or Deputy Clerk
书记员或副书记员签名

美国密西西比南区
联邦地区法院

日期：2023/3/22

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

THE STATE OF MISSISSIPPI,
ex rel. LYNN FITCH

Plaintiff,

Civil Action No. 1:20-cv-168-TBM-RPM

PEOPLE'S REPUBLIC OF CHINA,
et al.

Defendants.

ALIAS SUMMONS IN A CIVIL ACTION

To: Chinese Academy of Sciences
52 Sanlihe Road
Xicheng District, Beijing

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Crystal Utley Secoy
P.O. Box 220
Jackson, MS 39205
crystal.utley@ago.ms.gov

You must also file your answer or motion with the court.

ARTHUR JOHNSTON
CLERK OF COURT

Date: 06/11/2021



Signature of Clerk or Deputy Clerk

美国密西西比南区联邦地区法院
南部分院

密西西比州
代表 LYNN FITCH

原告，

民事诉讼案件编号：1:20-cv-168-TBM-RPM

中华人民共和国
等人

被告。

民事诉讼第二次传票

被传唤人： 中国科学院
北京市西城区
三里河路 52 号

本院现收到控诉你方的起诉状并受理此案。

根据《美国法典》第 28 编第 1608 条第 (d) 款规定，外国国家、外国国家的政治分支机构、外国国家的代理机构或辅助机构须在本传票送达后的 60 天内对起诉状作出答辩或提供其他应答书状。该等答辩状或动议须送达原告或原告律师，其名称和地址如下：

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电子邮箱：crystal.utley@ago.ms.gov

此外，你方还须向本院呈交你方答辩状或动议。

ARTHUR JOHNSTON
法院书记员



Signature of Clerk or Deputy Clerk

书记员或副书记员签名

日期：2021/6/11

美国密西西比南区
联邦地区法院